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Paper No. 5

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JUN 13 2001

In re Application of	:	OFFICE OF PETITIONS
Dmitrii Louklanov et al	:	A/C PATENTS
Application No. 09/727,104	:	
Filed: November 29, 2000	:	DECISION REFUSING STATUS
Atty Docket No. 10559/383001/P10189	:	UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed May 25, 2001.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the nonsigning inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the nonsigning inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the nonsigning inventor. Applicant lacks items (1) and (2) set forth above.

As to item (1), while petitioner states that a copy of the application (specification, claims, and drawings) was sent to joint inventor Harte's forwarding address and returned by the U.S. Post Office and, further, that all attempts to locate inventor Harte through several databases, including the Internet, and through the telephone have failed, petitioner has not submitted any documentary evidence in support of these assertions. Accordingly, petitioner should supply copies of all available documentary evidence in support of petitioner's attempts to locate nonsigning

inventor Harte. A brief search on Lexis indicates a Howard M. Harte at 4844 Betty Elyse Lane, Scottsdale, AZ 85254. Petitioner may wish to determine whether this is the joint inventor of the instant application.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. In this regard, the declaration fails to set forth joint inventor Harte's residence, citizenship and post office (mailing) address. Additionally, the declaration fails to set forth the post office (mailing) address of joint inventor Sandberg. Accordingly, an oath or declaration complying with 37 CFR 1.63 and 1.64 is required. See MPEP 409.03(a).

In order to expedite consideration, petitioner may wish to submit the renewed petition under 37 CFR 1.47(a) by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-8680.



Frances Hicks
Petitions Examiner
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Office of the Deputy Commissioner
for Patent Examination Policy